

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SANDRA WESTRAY,

Plaintiff,

v.

MERCY LIFE, et al.,

Defendants.

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CIVIL ACTION

NO. 15-3098

ORDER

AND NOW, this 13th day of April, 2016, upon consideration of the government's motion to dismiss the cross-claim (Doc. No. 16), and the co-defendants' responses (Doc. Nos. 22, 24, 33, 34), **IT IS HEREBY ORDERED** that:

1. The government's motion to dismiss the cross-claim (Doc. No. 16) is **DENIED in part and GRANTED in part.**¹
2. Defendant Mercy Life, Mercy Health System, Donna Raziano and Lawanda Goehring's cross-claim against the government is **DISMISSED without prejudice.**
3. Defendant Mercy Life, Mercy Health System, Donna Raziano and Lawanda Goehring shall file an amended cross-claim within twenty (20) days of the date of this Order.

BY THE COURT


LAWRENCE F. STENGEL, J.

¹ The government moved to dismiss the co-defendants' cross-claim on the basis of Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and 12(b)(6) for failure to state a claim. I decline to dismiss the co-defendants' cross-claim on the basis of Rule 12(b)(1), but I will dismiss the co-defendants' cross-claim on the basis of Rule 12(b)(6).